



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, AUGUST 26, 1999**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A REGULAR MEETING AT 9:13 A.M. ON THURSDAY, AUGUST 26, 1999 AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

Mayor Watson called the meeting to order. Noting the temporary absence of Mayor Pro Tem Goodman, Council Members Griffith and Spelman.

1999-2000 OPERATING AND CAPITAL BUDGETS

4. Parks and Recreation and Related Departments
A presentation was given by Jesus Olivares, Director of Parks and Recreation.
5. Library
A presentation was given by Brenda Branch, Director of Libraries.
6. Neighborhood Housing and Community Development Office
A presentation was given by Paul Hilgers, Community Development Officer and Stuart Hersh, Development Services Manager.
7. Health and Human Services and Related Departments
A presentation was given by David Lurie, Director of Public Health and Michael Abkowitz, Chief Financial Manager.
8. Neighborhood Services Initiative
A presentation was given by Cora Wright, Director Neighborhood Services.

A motion to recess the Council meeting at 12:40 p.m. was approved on Council Member Griffith's motion, Council Member Garcia's second by a 7-0 vote.

1:30 LIVE MUSIC: Pete Miller

INVOCATION – Father Len Giacalone – St. Francis Episcopal Church

CITIZEN COMMUNICATIONS: GENERAL

18. Robert L. Thomas – Discuss revision and employment at the Rosewood Recreation Center
19. Gus Pena – Discuss the Budget and City Health Clinics and Goggio Consultant Contract
20. Jennifer L. Gale – Party Affiliation

2:00 P.M. – Bond Sale

32. Approve an Ordinance authorizing the issuance of \$110,000,000 City of Austin, Texas, Hotel Occupancy Tax Subordinate Lien Revenue Bonds, Series 1999, including the approval of other documents related to the issuance of the bonds. (First year debt service in the amount of \$4,331,250 is subject to approval of the FY 1999-2000 Proposed Operating Budget of the Hotel Occupancy Tax Revenue Bond Redemption Fund.)

Ordinance No. 990816-32 was approved on Council Member Slusher's motion, Council Member Garcia's second by a 6-0 vote. Council Member Griffith was off the dais.

CITIZEN COMMUNICATIONS: GENERAL CONTINUED

21. Mary Roe Aleshire – Discuss Radio Talk Show host Art Bell at www.artbell.com and his recent guest Kurt Billings and David Jacobs on mind control.
22. Marilyn Yank – Sustainable Food Center.
23. Ruth Wells – Sustainable Food Center.
24. Lynn Miraglia – Return to Owners Fees at Town Lake Animal Center too high for many pet owners.
25. Danny Crooks – Steamboat on 6th Street “the move”
26. Pat Valls-Trelles – Town Lake Animal Center Fees
27. Charles Waits – The Scam Called “Green Power”

BOARD AND COMMISSION REPORTS

28. Electric Utility Commission – Barry Sarma
All of the Utility Commission items were on consent. The Commission report was not needed.
29. Resource Management Commission – Peter Pfeiffer, Chair
A report for the Resource Management Commission was given by Steven Dietz.

CONSENT AGENDA

THE FOLLOWING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER GARCIA'S MOTION, COUNCIL MEMBER LEWIS' SECOND BY A 7-0 VOTE.

Items 30 and 31 were pulled for discussion.

Item 32 was set for a time certain at 2:00 p.m.

33. Approve a resolution authorizing Service Extension Request No. 1919 for water service submitted by James McCarthy for the Grandview Hills Subdivision Section 14 which is located outside the city limits and limited purpose jurisdiction of Austin. (Recommended by Water and Wastewater Commission)

Resolution No. 990826-33 was approved

Item 34 was pulled for discussion.

35. Approve a resolution authorizing Service Extension Request No. 1951 for water service submitted by Charles Turner for the Tumbleweed Addition which is located outside the city limits approximately two miles east of the intersection of R.R. 620 and R.M. 2222 within the limited purpose jurisdiction of Austin. (Recommended by Water and Wastewater Commission)

Resolution No. 990826-35 was approved

Item 36 was pulled for discussion.

37. Approve a resolution authorizing the negotiation and execution of a thirty month services agreement with the LAND MANAGEMENT PLANNING GROUP, a public/private partnership including the Lady Bird Johnson Wildflower Center, the Nature Conservancy of Texas, Trust for Public Land-Texas Field Office, Loomis & Moore, Inc., and the American Institute for Learning, to provide environmental and planning services for development of Mangement Plans for the purpose of water quality protection for land in the Barton Springs Recharge and Contributing Zones and in the Lake Austin Watershed for the Water and Wastewater Utility for a total amount not to exceed \$196,797. (Funding was included in the 1997-1998 Amended Capital Budget of the Water and Wastewater Utility.) Best of four proposals. No subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Resolution No. 990826-37 was approved.

38. Set a Public Hearing to receive comment of a water supply agreement between the City of Austin and the Lower Colorado River Authority to increase the firm yield available to Austin to 325,000 acre-feet/year. (Suggested date and time: September 2, 1999 at 6:00 P.M.)

Resolution No. 990826-38 was approved.

Items 39 and 40 were pulled for discussion.

41. Approve a resolution authorizing execution of a contract with EQUIPMENT DEPOT, INC., for the purchase of one tractor and rotary mower for the Solid Waste Services Department in the amount of \$42,820. (Funding was included in the 1998-99 Approved Operating Budget of the Solid Waste Services Department.) Low bid of two. No MBE/WBE Subcontracting participation.
Resolution No. 990826-41 was approved
42. Approve a resolution authorizing execution of a contract with the HOUSTON-GALVESTON AREA COUNCIL of Governments (H-GAC), Houston, Texas, for the purchase of sixty gallon garbage carts for the Solid Waste Services Department (SWS) in an amount not to exceed \$95,055.36. (Funding is available in the amended 1998-99 Capital Budget for the Solid Waste Services Department.)
Resolution No. 990826-42 was approved.
43. Approve an Ordinance authorizing acceptance of \$132,750 in grant funding from ASCENSION TECHNOLOGY, INC.; amend Ordinance No. 980914-A, the 1998-99 Approved Operating Budget, amending the Electric Utility Special Revenue Fund, by increasing grant funding and grant expenditures by \$132,750 for a rebate program to install 53.1 kilowatts of rooftop solar photovoltaic (PV) systems on local homes and in the Wild Basin Preserve. (Funding is available from Ascension Technology, Inc. for the grant.) (Recommended by Electric Utility Commission and Resource Management Commission)
Ordinance No. 990826-43 was approved.
44. Approve a resolution authorizing execution of a contract with SEQUEL DATA SYSTEMS, INC., Austin, Texas, for the purchase of a Compaq AlphaServer System and ESA 10000 Storage Subsystem including delivery, installation and a three-year warranty in an amount not to exceed \$209,675. (Funding was included in the 1998-99 Approved Capital Budget for the Electric Utility Department.) (Recommended by Electric Utility Commission)
Resolution No. 990826-44 was approved.
45. Approve a resolution authorizing execution of a construction contract with L.D. TEBBEN CO., Austin, Texas, for the re-roofing of the Seaholm Power Plant in the amount of \$206,762. (Funding was included in the 1998-99 Approved Capital Budget of the Electric Utility Department.) No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)
Resolution No. 990826-45 was approved.
46. Approve a resolution authorizing modification of a contract with ADVANCE SECURITY, Austin, Texas, for security guard services at multiple Electric Utility Department sites in an amount not to exceed \$95,499 for the remainder of the contract, for a revised annual contract amount not to exceed \$477,495, for a revised total contract amount not to exceed \$1,623,483. (Funding in an amount of \$95,499 was included in the 1997-98 Approved Operating Budget of the Electric Utility Department.) (Recommended by Electric Utility Commission)
Resolution No. 990826-46 was approved.
47. Approve a resolution authorizing execution of a twelve-month service agreement with MAJISTIKLEEN (MBE/MA), Austin, Texas, to provide janitorial services at six Electric

Utility Department locations in an amount not to exceed \$203,940 with three twelve-month extension options in an amount not to exceed \$203,940 per extension for a total contract amount not to exceed \$815,760. (Funding in an amount of \$16,995 was included in the 1998-99 Approved Operating Budget of the Electric Utility Department. Funding for the final eleven months and the extension options is contingent upon approval of future operating budgets.) Low bid of five. No MBE/WBE Subcontracting participation. (Recommended by Electric Utility Commission)

Resolution No. 990826-47 was approved.

48. Approve a resolution authorizing negotiation and execution of a twelve month service agreement with ZEPHYR ENVIRONMENTAL CORPORATION, Austin, Texas, in an amount not to exceed \$105,407 for environmental training for Austin Energy with three twelve-month extension options in an amount not to exceed \$105,407 per extension for a total contract amount not to exceed \$421,628. (Funding in an amount of \$8,784 was included in the 1998-99 Approved Operating Budget for the Electric Utility Department. Funding for the final eleven months of the original contract and the extension options is contingent upon available funding in future budgets.) Best of six proposals. No subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 990826-48 was approved.

49. Approve a resolution authorizing execution of a twelve month service agreement with AMERICAN PRESSURE WASH & MAINTENANCE, INC., in an amount not to exceed \$118,726 for hydrocleaning of condenser tubes at Holly Street and Decker Creek Power Plants with three twelve-month extension options in an amount not to exceed \$118,726 per extension for a total contract amount not to exceed \$474,904. (Funding in an amount of \$9,894 was included in the 1998-99 Approved Operating Budget for the Electric Utility Department. Funding for the final eleven months of the original contract and the extension options is contingent upon available funding in future budgets.) Low bid of four. No subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Resolution No. 990826-49 was approved.

50. Approve a resolution authorizing execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., for streambank stabilization along the Tannehill Branch in Givens Park, in the amount of \$252,629. (Funding is available in the 1998-99 Amended Capital Budget of the Watershed Protection Department.) Low bid of two. 13.37% MBE; 1.76% WBE Subcontracting participation. (To be reviewed by Environmental Board – 8/18/99)

Resolution No. 990826-50 was approved.

51. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with Williamson County for the Lake Creek floodplain improvements, providing additional funding for the preparation of Floodplain Modification guidelines, in an amount not to exceed \$6,400. (Funding is available in the 1996-97 Amended Capital Budget of the Watershed Protection Utility.)

Resolution No. 990826-51 was approved.

52. Set a public hearing to receive comment on a variance request to allow construction of a building in the 100-year floodplain of East Bouldin Creek at 1209 and 1301 South 1st Street for Emile Jamail Properties, Inc. (Suggested Date and Time: September 2, 1999 at 6:00 p.m.)
Resolution No. 990826-52 was approved. (See corrected wording at end of agenda)
53. Approve a resolution authorizing the acceptance of a fifth year funding of a five year grant in the amount of \$8,592 from the State of Texas, Governor's Office, Criminal Justice Division, for the Austin Police Department's Emergency Outreach to Children in Violent Households Program. (Grant funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 1999 – August 31, 2000, and is included in the Approved 1998-99 Operating Budget of the Austin Police Department. Grant funding is reduced by 20% each year. A cash match of \$48,037 is required in the fifth year of which \$3,434 was approved in the Amended 1998-99 Operating Budget and \$44,603 is contingent upon approval of the 1999-2000 Proposed Budget of the Austin Police Department.)
Resolution No. 990826-53 was approved.
54. Approve a resolution authorizing the acceptance of third year funding of a five year grant in the amount of \$33,891 from the State of Texas, Governor's Office, Criminal Justice Division, to increase investigation and recovery of stolen property by the Austin Police Department. (Grant funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 1999 – August 31, 2000, and is included in the approved 1998-99 Operating Budget in the Austin Police Department Special Revenue Fund. Grant funding is reduced by 20% each year. A cash match of \$22,257 is required in the third year of which \$1,981 was approved in the Amended 1998-99 Operating Budget and \$20,276 is contingent upon approval of the 1999-2000 Proposed Operating Budget of the Austin Police Department.)
Resolution No. 990826-54 was approved.
55. Approve a resolution authorizing execution of a contract with SOUTHWAY FORD, INC., San Antonio, Texas, for the purchase of one light duty truck chassis with a mounted street sign service body for the Department of Public Works and Transportation in the amount of \$41,595 (Funding was included in the 1998-99 Approved Vehicle Acquisition Fund.) Low bid of two. No MBE/WBE Subcontracting participation.
Resolution No. 990826-55 was approved.
56. Approve a resolution authorizing execution of a contract with U.S. RENTALS, INC., Cedar Park, Texas, for the purchase of two 6,000 pound capacity forklifts for Fleet Services in the amount of \$40,950. (Funding was included in the 1998-99 Approved Vehicle Acquisition Fund.) Low bid of two. No MBE/WBE Subcontracting participation.
Resolution No. 990826-56 was approved.
57. Approve a resolution authorizing execution of a construction contract with OLIVER ROOFING SYSTEMS, INC., for roof replacement at the Austin Fire Department Prevention Building located at 517 S. Pleasant Valley, in the amount of \$152,590. (Funding is included

in the 1998-99 Approved Capital for General Government) Low bid of three. 18.81% MBE, 2.29% WBE Subcontracting participation.

Resolution No. 990826-57 was approved.

Item 58 was pulled for discussion.

59. Approve a resolution authorizing execution of a contract with CABLE COM INC., Austin, Texas, for the purchase and installation of a building distribution system for voice, data, and video services for Infrastructure Support Services for a total contract amount of \$83,053.05. (Funding was included in the 1996-97 Amended Capital Budget of the Financial Services Department.) Low bid of three. No Subcontracting opportunities were identified.

Resolution No. 990826-59 was approved.

60. Approve a resolution authorizing execution of a twelve month service agreement with LONE STAR BRAKE & CLUTCH, Austin, Texas, for brake repair parts and services in an amount not to exceed \$80,000 with two twelve-month extension options in an amount not to exceed \$80,000 per extension for a total contract amount not to exceed \$240,000. (Funding in an amount of \$6,667 was included in the 1998-99 Amended Operating Budget of various City departments. Funding for the remaining eleven months of the original contract period and the extension options will be contingent upon available funding in future budgets.) Low bid of three. No MBE/WBE Subcontracting participation.

Resolution No. 990826-60 was approved.

61. Approve a resolution authorizing execution of a contract with LONGHORN INTERNATIONAL TRUCKS, LTD., Austin, Texas, for the purchase of two heavy duty truck chassis with mounted water tank bodies for the Parks and Recreation Department and one heavy duty truck tractor for the Water and Wastewater Utility Department in the amount of \$206,113. (Funding in an amount of \$131,280 was included in the 1998-99 Approved Operating Budget of the Parks and Recreation Department. \$74,833 was included in the Capital Budget of the Water and Wastewater Utility Department.) Low bid of two. No MBE/WBE Subcontracting participation.

Resolution No. 990826-61 was approved.

62. Approve a resolution authorizing negotiation and execution of a contract with SCANNING AMERICA, Lawrence, Kansas, for scanning and indexing records of the City's development process in an amount of \$431,541. (Funding in an amount of \$69,047 was included in the 1998-99 Approved Operating Budget of the Austin Energy Department, \$181,247 was included in the 1998-99 Approved Operating Budget of the Water Section of the Water and Wastewater Department, and \$181,247 was included in the 1998-99 Approved Operating Budget of the Wastewater Section of the Water and Wastewater Department.) Best proposal of eight. No MBE/WBE Subcontracting participation.

Resolution No. 990826-62 was approved.

63. Approve a resolution authorizing execution of a contract with M-B COMPANIES INC. OF WISCONSIN, New Holstein, Wisconsin, for the purchase of one truck-mounted striping machine for the Department of Public Works and Transportation in the amount of \$167,851.

(Funding was included in the 1998-99 Approved Budget Vehicle Acquisition Fund) Low bid of three. No MBE/WBE Subcontracting participation.

Resolution No. 990826-63 was approved.

64. Approve a resolution authorizing execution of a twelve-month supply agreement with DAVIS TRUCK AND EQUIPMENT CO., San Antonio, Texas, for the purchase of captive repair parts for Heil refuse trucks in an amount not to exceed \$45,000 with two twelve-month extension options in an amount not to exceed \$45,000 per extension for a total contract amount not to exceed \$135,000. (Funding in an amount of \$3,750 was included in the 1998-99 Approved Operating Budget for the Fleet Maintenance Fund of the Finance and Administrative Services Department. Funding for the remaining eleven months of the original contract period and extension options is contingent upon available funding in future budgets.

Resolution No. 990826-64 was approved.

Items 65 and 66 were pulled for discussion.

67. Set a public hearing to consider amendments to Title 25 of the City Code regarding use and site development regulations for public facilities and improvements in the Town Lake Park area of the Auditorium Shores Waterfront Overlay Subdistrict. Case No.: C2o-99-022. (Suggested Date and Time: September 2, 1999 at 6:00 P.M.)

Resolution No. 990826-67 was approved.

68. Approve a resolution authorizing negotiation and execution of a revenue producing agreement with Enterprise Rent-A-Car Company of Texas (Enterprise) to operate a rental car concession and to lease ground and office space from the Department of Aviation to finance, construct, maintain and operate related vehicle maintenance and storage facilities at Austin-Bergstrom International Airport (ABIA). (Enterprise is not expected to commence operations until October 1999; therefore, it shall not make revenue payment to the City for Fiscal Year 1998-99. No Enterprise revenue is included in the Department of Aviation's (DOA) 1998-99 Amended Operating Budget. Revenue over the ten year term of the agreement is estimated at \$1,382,542 to the DOA.) (Recommended by Airport Advisory Board)

Resolution No. 990826-68 was approved.

69. Approve a resolution authorizing negotiation and execution of a twelve month contract with AUSTIN FAMILIES, INC., Austin, Texas, for the management and administration of the Child Care Fund Voucher Program for the Health and Human Services Department in an amount not to exceed \$390,709 with three twelve-month extension options in an amount not to exceed \$235,995 per extension for a total contract amount not to exceed \$1,098,694. (Funding for \$24,666 was included in the Operating Budget for the Health and Human Services Department (FY 1998-99), \$154,714 was included in the Community Development Block Grant (CDBG) Special Revenue Funds (for the first twelve month contract only) \$211,329 was included in the Health and Human Services Special Certification Fund. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Only proposal received. No MBE/WBE Subcontracting participation.

Resolution No. 990826-69 was approved.

70. Approve a resolution authorizing the negotiation and execution of a twelve month contract with SIERRA DIGITAL, INC., Sacramento, California, for the purchase and installation of recreation data collection system for the Parks and Recreation Department (PAR) in an amount not to exceed \$180,000, with four twelve-month option periods not to exceed \$125,000 for the first option period and not to exceed \$35,000 each of the three remaining option periods for a total amount not to exceed \$410,000. (Funding in the amount of \$80,000 is available in the 1998-99 Operating Budget of the Golf Enterprise Fund, \$14,285 is available in the 1998-99 Approved Operating Budget of the Softball Enterprise Fund, and \$85,715 is available in the 1998-99 Approved Operating Budget of the Parks and Recreation Programs Fund of the Parks and Recreation Department.) Best of three proposals. No Subcontracting opportunities were identified.

Resolution No. 990826-70 was approved.

71. C14-98-0124 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3915 Capital of Texas Highway South from “I-LO”, Interim-Limited Office to “GR-CO”, Community Commercial-Conditional Overlay Combining district zoning with conditions. First reading on July 1, 1999; Vote 6-0 (Spelman absent). Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first ordinance reading. Applicant: Lopez-Phelps, Vaughn and Associates (Amelia Lopez-Phelps). City Staff: Don Perryman, 499-2786. (continued from 7/22/99)

Ordinance No. 990826-71 was approved by a 6-1 vote. Council Member Slusher voted no on this item.

72. C14-99-0087 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1900-2012 Woodward Street from “LO”, Limited Office district to “MF-1”, Multifamily Residence (Limited Density) district zoning. First reading on August 5, 1999; Vote: 7-0. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: David E. Hood; Agent: LRI IV, LTD (Robert Voelker). City Staff: Celia Williams, 499-2251.

Ordinance No. 990826-72 was approved.

73. C14-99-0105 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2204 Lake Austin Blvd. from “SF-3”, Family Residence district to “GR-CO”, Community Commercial-Conditional Overlay Combining district zoning with conditions. First reading on July 15, 1999; Vote: 6-0 (Garcia absent). Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first ordinance reading. Applicant: Dalton H. Wallace; Agent: Karen M. Roberts. City Staff: Cecilia Williams, 499-2251.

Ordinance No. 990826-73 was approved.

74. C14H-99-0001 – Allen-Williams House – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1206 San Antonio Street from “GO”, General Office district to “GO-H”, General Office-Historic district zoning. First reading: May 13, 1999; Vote: 6-0-1 (Goodman abstained). Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: City of Austin; Agent: Development Review and Inspection Department; City Staff: Barbara

Stocklin, 499-2414. (continued from 6/3/99, 7/1/99 and 7/20/99) Note: A valid petition has been filed in opposition to this rezoning request.

This item was postponed to October 21, 1999 at the request of the owner. This is the applicant's first request.

75. C14-99-0048 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property located at the northwest intersection of West Howard Lane and McNeil-Merriltown Road from "I-RR" Interim – Rural Residence District to "LI-CO", Limited Industrial Services-Conditional Overlay Combining district zoning with conditions. First reading on June 3, 1999; Vote 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Hill Partners, Inc. (Richard Hill); Agent: Faust Group (Bill Faust). City Staff: David Wahlgren, 499-6455. (continued from 8-19-99)

Ordinance No. 990826-75 was approved.

76. Waive or reimburse certain development fees for Caritas of Austin, Inc., for the property located at 611 Neches. (Mayor Kirk Watson, Council Member Gus Garcia and Council Member Daryl Slusher)

Ordinance No. 990826-76 was approved.

Item 77 was pulled for discussion.

A motion to recess the Council meeting at 2:47 p.m. and go into Executive Session was approved on Council Member Griffith's motion, Council Member Slusher's second by a 7-0 vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

The City Council announced it would go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

9. Discuss *Twinkle Hinderer Acord, et al. v. Thomas Sidney Bones, II, et al.*, Cause No. 96-06194, in the Travis County District Court.
10. Discuss *Austin Towing Association v. City of Austin*, Case No. A 99 CA 392 JN, in the United States District Court for the Western District of Texas.
11. Discuss legal issues concerning recent state legislation relating to right-of ways.
12. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 98-0685, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)

13. Discuss *City of Austin v. LS Ranch Ltd, et al.*, Cause No. 039800542-CV, in the Third Court of Appeals (Austin, Texas). (This litigation concerns development regulations applicable in the Barton Springs Zone.)
14. Discuss legal issues concerning Chapter 245 of the Texas Local Government Code.

Real Property – Section 551.072

15. Discuss lease of real property at 500 Chicon.

Executive session ended at 3:29 p.m.

DISCUSSION AGENDA

36. Approve a resolution authorizing execution of twelve month service agreement with MAJESTIKLEEN (MBE/MA), Austin, Texas, to provide janitorial services for the Water and Wastewater Utility in an amount not to exceed \$73,680, with two twelve-month extension options in an amount not to exceed \$73,680 per extension option for a total

contract amount not to exceed \$221,040. (Funding in an amount of \$6,140 was included in the 1998-99 Approved Operating Budget for the Water and Wastewater Utility.) Low bid of eight. No subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)

Resolution No. 990826-36 was approved on Mayor Pro Tem Goodman's motion, Council Member Garcia's second by a 6-0 vote. Council Member Spelman was off the dais.

16. Consider settlement proposal in *Twinkle Hinderer Acord, et al. v. Thomas Sidney Bones, II, et al.*, Cause No. 96-06194, in the Travis County District Court.
Resolution No. 990826-16 was approved in the amount of \$1,150,000.00 to be paid to Twinkle Hinderer Acord and \$69,635.33 to be paid to W. McNab Miller, III on Council Member Garcia's motion, Council Member Slusher's second by a 6-0 vote. Council Member Spelman was off the dais.

MINUTES

17. Approval of Minutes for Regular Meetings of August 19, 1999
The minutes were approved on Council Member Garcia's motion, Council Member Slusher's second by a 6-0 vote. Council Member Spelman was off the dais.

DISCUSSION ITEMS CONTINUED

30. Adopt amendments to Chapter 15-12 of the Austin City Code relating to construction coordination and permits for excavations in streets and rights-of-way.

Resolution/Ordinance No. 990826-30 was approved on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Garcia was off the dais.

BRIEFINGS

3. Austin Energy Generation Plan
A presentation was given by Chuck Manning, Director of Austin Energy and Scott McCoullagh, Andy Ramirez, Vice President Power Production.

DISCUSSION ITEMS CONTINUED

39. Approve a resolution authorizing execution of a contract through the City of Waco Cooperative Purchasing Program with EQUIPMENT SOUTHWEST, INC., Irving, Texas for the initial purchase of eleven automated refuse collection bodies in the amount of \$619,644.08 with an option to purchase up to 30 additional refuse bodies within the next 28 months in an amount not to exceed \$1,864,630 for a total contract amount not to exceed

\$2,484,274.08. (Funding in an amount of \$619,644.08 was included in the 1998-99 Capital Budget of the Solid Waste Services Department. Funding for future purchase options is contingent upon available funding in future budgets.) (Related to Item 58)

This item was postponed at the request of Council to September 2, 1999 on Mayor Pro Tem Goodman's motion, Council Member Spelman's second by a 7-0 vote.

40. Approve a resolution authorizing execution of a contract with LONGHORN INTERNATIONAL TRUCKS, LTD, Austin, Texas for the initial purchase of eleven truck cab and chassis for the Solid Waste Services Department in the amount of \$979,902 with an option to purchase up to ten additional truck chassis over the next thirteen months in an amount not to exceed \$910,280 for a total contract amount not to exceed \$1,890,182. (Funding in the amount of \$979,902 was included in the 1998-99 Approved Capital Budget of the Solid Waste Services Department. Funding for the purchase option is contingent upon available funding in future budgets.) Sole bidder. No MBE/WBE Subcontracting participation.

This item was postponed at the request of Council to September 2, 1999 on Mayor Pro Tem Goodman's motion, Council Member Spelman's second by a 7-0 vote.

58. Approve a resolution authorizing execution of an interlocal agreement with the CITY OF WACO, TEXAS, for the purchase of automobiles, trucks and heavy equipment offered on contracts available to the City of Austin. (Procurement under this interlocal agreement will not be made unless funds are available in appropriate Department budgets. Those in excess of \$39,000 will be brought to Council for approval.) (Related to Item 39)

This item was postponed at the request of Council to September 2, 1999 on Mayor Pro Tem Goodman's motion, Council Member Spelman's second by a 7-0 vote.

34. Approve a resolution authorizing Service Extension Request No. 1920 for wastewater service submitted by James McCarthy for the Grandview Hills Subdivision Section 14 which is located outside the city limits and limited purpose jurisdiction of Austin approximately one mile south of the R.R. 620 and F.M. 2222 intersection. (Recommended by Water and Wastewater Commission)

Resolution No. 980826-34 was approved on Council Member Spelman's motion, Council Member Lewis' second by a 7-0 vote.

CONSENT ZONING

ALL OF THE FOLLOWING ZONING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE PUBLIC HEARINGS WERE CLOSED AND THE CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER SPELMAN'S MOTION, COUNCIL MEMBER GARCIA'S SECOND BY A 7-0 VOTE.

78. C14-99-0069 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 200-210 South Congress from “LI”, Limited Industrial Service district zoning to “LI-PDA”, Limited Industrial Service-Planned Development Area Combining District zoning. Planning Commission Recommendation: To Grant “LI-PDA”, Limited Industrial Service-Planned Development Area Combining District zoning with conditions. Applicant: Hixo, Inc. (Michael Hicks, President); Agent: Crocker Consultants (Sarah Crocker). City Staff: Susan Villarreal, 499-6319.

This item was postponed for two weeks to September 9, 1999 at the request of the adjacent property owners. This is the first request for postponement.

79. C14-99-0090 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 9801 Spectrum Drive from “R&D”, Research & Development district zoning to “IP”, Industrial Park district zoning. Planning Commission Recommendation: To Grant “IP”, Industrial Park district zoning for Tract 1 and “IP-CO”, Industrial Park-Conditional Overlay Combining district zoning with conditions for Tract 2. Applicant: Sovereign Investments, Inc. (Fred Epright); Agent: Griffin Engineering Group, Inc. (Greg Griffin). City Staff: David Wahlgren, 499-6455.

First reading of this ordinance was approved. Approved was the Planning Commission recommendation: IP for Tract 1 and IP-CO for Tract 2 with conditions.

Item 80 was pulled for discussion.

81. C14-99-0108 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 3112 Crowheart Cove from “LA”, Lake Austin residence district to “SF-2”, Single-Family Residence (Standard Lot) district zoning. Planning Commission Recommendation: To Grant “SF-2”, Single-Family Residence (Standard Lot) district zoning. Owner: Lakeway Hills Properties; Applicant: City of Austin; Agent: Development Review & Inspection Department. City Staff: Tammie Williamson, 499-3056.

Ordinance No. 990826-81 was approved.

82. C14-99-0109 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100,3101,3105, and 3109 Crowheart Cove from “LA”, Lake Austin residence district to “SF-2”, Single-Family Residence (Standard Lot) district zoning. Planning Commission Recommendation: To Grant “SF-1”, Single-Family Residence (Large Lot) district zoning. Owner: Lakeway Hills Properties; Applicant: City of Austin, Development Review & Inspection Department. City Staff: Tammie Williamson, 499-3056.
Ordinance No. 990826-81 was approved.
83. C14-99-0110 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 4517-4521 Rio Robles from “LA”, Lake Austin residence district to “SF-2”, Single-Family Residence (Standard Lot) district zoning. Planning Commission Recommendation: To Grant “SF-1”, Single-Family Residence (Large Lot) district zoning. Owner: Lakeway Hills Properties; Applicant: City of Austin, Development Review & Inspection Department. City Staff: Tammie Williamson, 499-3056.
Ordinance No. 990826-83 was approved.
84. C14-99-0111 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 3200,3204,3205 & 3201 Kittowa Cove and 3200,3204,3202,3208,3212, and 3216 Cralcum Cove from “LA”, Lake Austin residence district to “SF-2”, Single-Family Residence (Standard Lot) district zoning. Planning Commission Recommendation: To Grant “SF-1”, Single-Family Residence (Large Lot) district zoning. Owner: Lakeway Hills Properties; Applicant: City of Austin, Development Review & Inspection Department. City Staff: Tammie Williamson, 499-3056.
Ordinance No. 990826-83 was approved.
85. C814-84-028.04 – Vista Ridge PUD - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located approximately 750 feet north of the intersection of Ladera Norte and Valburn Drive from “PUD”, Planned Unit Development district to “PUD”, Planned Unit Development district zoning in order to allow a change to a previously approved land use. Planning Commission Recommendation: To Grant “PUD”, Planned Unit Development district zoning. Applicant: Austin Two Tracts, L.P. (Mike Pruitt); Agent: Turner Collie & Braden, Inc. (Keith Young). City Staff: Don Perryman, 499-2786. Note: A valid petition has been filed in opposition to this rezoning request. (Continued from 7/29/99)
This item was postponed to September 23, 1999 at the request of staff.
86. C14-99-0085 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 3102 & 3114 Highway 71 East from “I-RR”, Interim-Rural Residence district zoning to “CS”, General Commercial Services district zoning. Planning Commission Recommendation: To Grant “CS-CO”, General Commercial Services-Conditional Overlay Combining District zoning with conditions. Applicant: Kenny Dryden Investments (Kenny Dryden); Agent: The Faust Group (Bill Faust). City Staff: Joe Arriaga, 499-2308. (continued from 8-19-99)
First reading of this ordinance was approved. The following uses are expressly prohibited and not permitted: 1) automotive repair services (except if same are a part of an automotive sales or "car sales dealership" on site); 2) scrap and salvage services (including without limitation "automobile junky yards or salvage services); 3) no used car sales except as a subsidiary use to a new car dealership on same site.

DISCUSSION ZONING ITEMS

80. C14-99-0092 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located 100 feet east of Woodward Street & Willowrun Drive from “MF-3-CO”, Multifamily Residence (Medium Density)-Conditional Overlay Combining district zoning with conditions and “RR-CO” Rural Residence-Conditional Overlay Combining district zoning with conditions to “MF-3-CO”, Multifamily Residence (Medium Density)-Conditional Overlay Combining district zoning with conditions and “RR-CO” Rural Residence-Conditional Overlay Combining district zoning with conditions. Planning Commission Recommendation: To Grant “MF-3-CO”, Multifamily Residence (Medium Density)-Conditional Overlay Combining district zoning with conditions for Tract 1 and “RR-CO”, Rural Residence-Conditional Overlay Combining district zoning with conditions for Tracts 2 & 3. Property Owner: Austin 1825 Fortview; Applicant: City of Austin, Agent: Development Review and Inspection Department. City Staff: Susan Villarreal, 499-6319. **The public hearing was closed on Council Member Griffith’s motion, Council Member Lewis’ second by a 7-0 vote.**

First reading of this ordinance was approved. Approved was the Planning Commission recommendations: staff should present information regarding the effect of the setbacks recommended by the Planning Commission, and a proposal of the best method to protect critical environmental features, the creek, and SF-3 tract to the south of the tract on Council Member Slusher’s motion, Council Member Spelman’s second by a 7-0 vote.

77. Approve a resolution directing the City Manager to develop recommendations to protect water quality in the Water Supply Suburban Watershed and to inform and consult with stakeholders during the process. (Council Member Daryl Slusher, Council Member Gus Garcia and Council Member Beverly Griffith)
- Resolution No. 990826-77 was approved with an amendment by Council Member Spelman to add a third WHEREAS with the following: 5) a review of the approaches available for protecting water quality in this area; 6) an analysis of the impact of development water quality controls on this watershed and other watersheds throughout the metropolitan area; 7) projections of future demand for residential, commercial, and industrial construction in the Water Supply Suburban and neighboring areas; 8) consultation with the landowners in this area to explore the potential for developing design standards for new construction; 9) reasonable notice to all affected property owners in advance of any Council action. Council Member Slusher instructed staff that he would like an analysis of the cost of losing Bull Creek to pollution and the cost of worsening traffic in the affected area on Council Member Slusher’s motion, Council Member Spelman’s second by a 7-0 vote.**

A motion to recess the Council meeting at 5:45 p.m. was approved on Mayor Pro Tem Goodman’s motion, Council Member Spelman’s second by a 7-0 vote.

88. Conduct a public hearing on an ordinance creating Reinvestment Zone Number 15, City of Austin, Texas, a Tax Increment Financing Reinvestment Zone under Chapter 311 of the Tax

Code in a contiguous geographic area within the City of Austin, including Blocks 2, 3, 4, and 21 of the City of Austin. (An annual \$100,000 is proposed for maintenance in the zone, to be funded by the annual incremental tax revenue received from the project.)

The public hearing was closed on Council Member Slusher's motion, Council Member Garcia's second by a 7-0 vote.

92. Approve an ordinance creating Reinvestment Zone Number 15, City of Austin, Texas, a Tax Increment Financing Reinvestment Zone under Chapter 311 of the Tax Code in a

contiguous geographic area within the City of Austin, including Blocks 2, 3, 4, and 21 of the City of Austin. (An annual \$100,000 is proposed for maintenance in the zone, to be funded by the annual incremental tax revenue received from the project.)

Ordinance No. 990826-92 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

87. Conduct a public hearing to receive public comment on the proposed amendment Ordinance No. 970306-P (as amended by Ordinance Nos. 970925-0 and 981209-B) to add a Coincident Load Special Contract Rider for the Electric Utility Department.

The public hearing was closed on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

91. Amend Ordinance No. 970306-P (as amended by Ordinance Nos. 970925-0 and 981209-B) to add a Coincident Load Special Contract Rider to the General Service-Demand Tariff. (Revenues are anticipated to decrease annually by \$100,000 for the Coincident Load Special Contract Rider. FY 1998-99 revenues do not require amending.) (Recommended by Electric Utility Commission)

Ordinance No. 990826-91 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

89. Conduct a public hearing on a water supply agreement between the City of Austin and the Lower Colorado River Authority to increase the firm yield available to Austin to 325,000 acre-feet/year.

The public hearing was closed on Council Member Lewis' motion, Council Member Garcia's second by a 6-0 vote. Council Member Griffith was off the dais.

90. Conduct a public hearing and consider an ordinance amending Austin City Code Sections 2-4-571 and 2-4-572 regarding membership and duties of the Sign Review Board, and amending the Austin City Code Section 2-4-9(B) to authorize members of the Board of Adjustment to serve on the Sign Review Board. Case No. C2O-98-010.

A motion was made to suspend the rules and not have public comment on this item as all who signed up to speak were in favor and unless clarification was needed on the issue concerning the minor changes between the Sign Review Board and what did not go forward to the Planning Commission on Mayor Watson's motion, Council Member Lewis' second by a 7-0 vote.

The public hearing was closed on Council Member Garcia's motion, Council Member Spelman's second by a 6-0 vote. Council Member Griffith was off the dais.

93. Approve an ordinance amending Austin City Code Sections 2-4-571 and 2-4-572 regarding membership and duties of the Sign Review Board, and amending the Austin City Code Section 2-4-9(B) to authorize members of the Board of Adjustment to serve on the Sign Review Board. Case No. C2O-98-010.

Ordinance No. 990826-93 was approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.

DISCUSSION AGENDA CONTINUED

31. Approve Austin Convention and Visitors Bureau's (ACVB) 1999-2000 Marketing Plan and proposed budget in the amount of \$5,595,716 and set the contract payment from the City of Austin at \$5,133,733 for the fiscal year beginning October 1, 1999 and ending September 30, 2000. (Funding is available contingent upon approval of the 1999-00 Proposed Operating Budget for the Tourism and Promotion Fund.)

Resolution No. 990826-31 approved the marketing plan and proposed budget, but directing that the budget include funding at the current levels until Council is in a position to have completed the budget process, issued RFP's, obtained responses and entered into agreements, shifting the mission, as has been discussed by the Council in the past on Council Member Garcia's motion, Council Member Lewis' second by a 7-0 vote.

66. Approve an Ordinance to amend the City Code, Chapter 4-2, Article II, "Emergency and Peak Day Water Use Management" to meet regulatory requirements of Senate Bill 1 and to prohibit the waste of the City's drinking water. (Recommended by the Resource Management Commission and Water and Wastewater Commission.)

Ordinance No. 990826-66 approved on Council Member Slusher's motion, Council Member Spelman's second by a 7-0 vote.

65. Approve a resolution adopting a Water Conservation Plan for the City that meets the regulatory requirements of Senate Bill 1. (Recommended by Water and Wastewater Commission and Resource Management Commission)

Resolution No. 990826-65 was approved on Council Member Slusher's motion, Council Member Lewis' second by a 6-1 vote. Council Member Garcia voted no.

REVIEW OF ITEMS FOR NEXT COUNCIL MEETING

1. Review of Proposed Agenda Items from the City Manager for September 2, 1999.
2. Review of Proposed Agenda Items from Council for September 2, 1999.

ADDENDUM

August 26, 1999, AUSTIN, TEXAS, CITY COUNCIL AGENDA

Watershed Protection

52. Set a public hearing to receive comment on a variance request to allow construction of a building in the 100-year floodplain of East Bouldin Creek at 1209 and 1301 South 1st Street for Emile Jamail Properties, Inc. **and dedication of easement or right-of-way.** (Suggested Date and Time: September 2, 1999 at 6:00 p.m.)
(Correction for item 52. Vote was noted previously)

ADJOURNED at 9:57 p.m. on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

The minutes for the Regular Meeting of August 26, 1999 were approved on this the 2nd day of September, 1999 on Council Member Garcia's motion, Council Member Lewis' second by a 4-0 vote. Mayor Pro Tem Goodman, Council Members Griffith and Spelman were off the dais.